

# Notice of Allowability

Application No.

09/955,961

Examiner

Christopher E. Lee

Applicant(s)

ANDRE, GREGORY S.

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Pre-Appeal Brief Request for Review filed on 25<sup>th</sup> of July 2006.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

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## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-31 are allowed.
2. The following is an Examiner's statement of reasons for allowance:

5       The Applicants' arguments in the Pre-Appeal Brief Request for Review filed on 25<sup>th</sup> of July 2006 have been fully considered by the Examiner and Pre-Appeal Brief Reviewers (hereinafter Reviewer), but they are not persuasive because (1) the argued elements in the arguments are suggested by Dupont, i.e., a path for packets (i.e., Internet connection) of data and control information (i.e., TCP/IP data and control packets; See Dupont, col. 4, lines 24-29),  
10   control information packets (i.e., TCP/IP control packets) being separately buffered from other packets in a buffer (i.e., smaller buffer unit size buffer subsection 90 of Fig. 2; See Dupont, col. 4, lines 29-38), separately connected between a respective local processor bus and a system bus (See Dupont, col. 4, lines 16-23; actually, two separate buffer storage sections 90, 100 in Fig. 2 being connected between input queue 20 and output queue 30 in Fig. 1, wherein said  
15   input queue being coupled to Internet network and said output queue being coupled to Internet Access local bus, as an example), and (2) further, the alleged non-prior art of Dupont is not persuasive because the Applicant has never filed 37 CFR §1.131 to swear behind Dupont reference based on the Applicant's Declaration and Assignment.

However, the Reviewers finds a patentability of the Applicant's claimed invention after reviewing  
20   the claim rejections in the RCE Final Office Action mailed on 26<sup>th</sup> of April 2006, such that:

With respect to claims 1 and 11, Kimura [JP 409022380 A] discloses an apparatus (i.e., multilevel bus connection type multiprocessor system) for managing flow of information among plural processors of a processing array (See Abstract), comprising: a plurality of processors (i.e., processors 3 in a plurality of processor modules 1 in Fig. 1), each processor being in

communication with a respective local processor bus (i.e., each processor 3 being in communication with a respective bus in module 5 in Fig. 1); a system bus (i.e., system bus 2 of Fig. 1) for interconnecting at least two processors for providing a path (i.e., an interconnecting path for processor modules 1, ultimately interconnecting processors 3 of said processor modules in Fig. 1).

Dupont [US 6,842,800 B2] teaches a path for packets (i.e., Internet connection) of data and control information (i.e., TCP/IP data and control packets; See col. 4, lines 24-29), control information packets (i.e., TCP/IP control packets) being separately buffered from other packets in a buffer (i.e., smaller buffer unit size buffer subsection 90 of Fig. 2; See col. 4, lines 29-38) separately connected between a respective local processor bus and a system bus (See col. 4, lines 16-23; actually, two separate buffer storage sections 90, 100 in Fig. 2 being connected between input queue 20 and output queue 30 in Fig. 1, wherein said input queue being coupled to Internet network and said output queue being coupled to Internet Access local bus, as an example).

However, one of ordinary skill in the art would not have been motivated to modify the teachings of Kimura and Dupont, alone or in combination with other references, in order to provide specific claimed method for providing the path for packets of data and control information, control information packets being separately buffered from other packets in a buffer separately connected between the respective local processor bus and the system bus because the primary reference Kimura does not clearly teach the claimed subject matter "buffer," which is connected between the respective local processor bus and the system bus.

Therefore, the claim limitations are deemed allowable over the prior art as the prior art fails to teach or suggest that providing the path for packets of data and control information, control

information packets being separately buffered from other packets in a buffer separately connected between the respective local processor bus and the system bus.

The claims 2-16 are dependent claims of the claim 1.

The claims 18-31 are dependent claims of the claim 17.

- 5           Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Drawings***

- 10    3.       The application having been allowed, formal drawings are required in response to this Office Action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Christopher E. Lee whose telephone number is 571-272-3637. The

- 15   Examiner can normally be reached on 9:30am - 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher E. Lee  
Examiner  
Art Unit 2112

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*[Signature]*  
REHANA PERVEEN  
SUPERVISORY PATENT EXAMINER  
8/21/08